

App. No. 10/708,599

REMARKS - General

By the above amendment, Applicants have amended the title to emphasize the novelty of the invention.

Gianfranco (5,582,731) is specifically for a Disposable filter for preparation of hot brewed beverage. The Applicant respectfully contends that this is not a proper reference for the current invention's art. The current invention is not for a filter or filter preparation but for a novel and unique method for creating and using a soy extract to create a soy beverage which produced unexpected results.

The applicant respectfully argue that combining of Kay (4,188,409) with the reference is not an correct 103(a) rejection as the art in Gianfranco is completely different from the current art and is not a correct reference. Kay discloses the combining of a substance with an eatable nut. This is a far different application from the applicant's current application and invention.


The applicant contents that the current invention has produced unexpected results. This is confirmed by the attached Section 1.132 Affidavit of Dr. Arun Kilara, an expert in the Food Science area as shown by his attached CV. The claims are very specific to this new and unexpected result.

Also applicants have rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

Conclusion


For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over prior art. Therefore the applicant submits that this application is now in condition for allowance, which action is respectfully solicited.

Respectfully submitted,


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I hereby certify I have transmitted this paper by fax to the Patent and Trademark Office at 571-273-8300 on April 21, 2006.

April 21, 2006.


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